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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MORTON LIPETZ and EVELYN JEAN LIPETZ,
Individually and On Behalf of All Others Similarly
Situated,

Plaintiffs,

v.

WACHOVIA CORPORATION, G. KENNEDY
THOMPSON and THOMAS J. WURTZ,

Defendants.

Civil Action No. 1:08-6171-RJS

CLASS ACTION

**NOTICE OF MOTION OF THE NEW YORK CITY PENSION FUNDS
FOR APPOINTMENT AS LEAD PLAINTIFF AND
APPROVAL OF LEAD PLAINTIFF'S SELECTION OF LEAD COUNSEL**

PLEASE TAKE NOTICE that the New York City Pension Funds (the “NYC Funds” or “Movants”)¹ will hereby move this Court, on a date and at such time as may be designated by the Court, before The Honorable Richard J. Sullivan, Courtroom 21C, United States Courthouse, 500 Pearl Street, New York, NY 10007, under §21D *et seq.* of the Securities Exchange Act of 1934 (the “Exchange Act”) as amended by the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), for an order (attached hereto as Exhibit A) (i) appointing the NYC Funds as Lead Plaintiff; (ii) approving the NYC Funds’ selection of Kirby McInerney LLP to serve as Lead Counsel; and (iii) granting such other and further relief as the Court may deem just and proper.

In support of this motion, the NYC Funds submit herewith a memorandum of law and affidavit of Ira M. Press dated August 8, 2008.

Dated: August 8, 2008

KIRBY McINERNEY LLP

By: /s/ Ira M. Press
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Attorneys for Movants, the New York City Pension Funds

¹ Specifically: the New York City Board of Education Retirement System (“NYC BERS”); the New York City Employees’ Retirement System (“NYCERS”); the New York City Police Pension Fund (“NYC Police”); the New York City Police Officers’ Variable Supplements Fund (“POVSF”); the New York City Police Superior Officers’ Variable Supplements Fund (“PSOVSF”); the New York City Fire Department Pension Fund (“NYC Fire”); the New York City Firefighters’ Variable Supplements Fund (“FFVSF”); the New York City Fire Officers’ Variable Supplements Fund (“FOVSF”); the New York City Teachers’ Retirement System (“NYC TRS”); and the New York City Teachers’ Retirement System Variable Annuity Program (“Teachers Variable A”).

CERTIFICATE OF SERVICE

I, Ira M. Press, hereby certify that, on August 8, 2008, I caused a true and correct copy of the attached:

- 1. NOTICE OF MOTION OF THE NEW YORK CITY PENSION FUNDS FOR APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL OF LEAD PLAINTIFF'S SELECTION OF LEAD COUNSEL**
- 2. MEMORANDUM OF LAW IN SUPPORT OF MOTION OF THE NEW YORK CITY PENSION FUNDS FOR APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL OF LEAD PLAINTIFF'S SELECTION OF LEAD COUNSEL**
- 3. AFFIDAVIT OF IRA M. PRESS IN SUPPORT OF MOTION OF THE NEW YORK CITY PENSION FUNDS FOR APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL OF LEAD PLAINTIFF'S SELECTION OF LEAD COUNSEL**

to be served: (i) electronically on all counsel registered for electronic service for this case; and (ii) by first-class mail to any additional counsel.

/s/ Ira M. Press

Ira M. Press

SERVICE LIST

Electronically to all ECF-Registered Entities

By U.S. Mail To All Known Non-ECF Registered Entities

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MORTON LIPETZ and EVELYN JEAN
LIPETZ, Individually and On Behalf of All
Others Similarly Situated,

Plaintiffs,

v.

WACHOVIA CORPORATION, G.
KENNEDY THOMPSON and THOMAS
J. WURTZ,

Defendants.

Civil Action No. 1:08-6171-RJS

CLASS ACTION

**[PROPOSED] ORDER APPOINTING LEAD PLAINTIFF
AND APPROVING SELECTION OF LEAD COUNSEL**

Having considered the NYC Funds’¹ Motion to Appoint the NYC Funds as Lead Plaintiff and for approval of Lead Plaintiff’s selection of Lead Counsel, the memorandum of law in support thereof, the declaration of Ira M. Press in support of that motion and good cause appearing therefor,

IT IS HEREBY ORDERED:

- 1) The Motion is granted.
- 2) Every subsequent pleading in this proceeding (the “Action”) shall have the following caption:

¹ Namely: the New York City Board of Education Retirement System (“NYC BERS”); the New York City Employees’ Retirement System (“NYCERS”); the New York City Police Pension Fund (“NYC Police”); the New York City Police Officers’ Variable Supplements Fund (“POVSF”); the New York City Police Superior Officers’ Variable Supplements Fund (“PSOVSF”); the New York City Fire Department Pension Fund (“NYC Fire”); the New York City Firefighters’ Variable Supplements Fund (“FFVSF”); the New York City Fire Officers’ Variable Supplements Fund (“FOVSF”); the New York City Teachers’ Retirement System (“NYC TRS”); and the New York City Teachers’ Retirement System Variable Annuity Program (“Teachers Variable A”).

IN RE WACHOVIA CORPORATION
SECURITIES LITIGATION

Civil Action No. 1:08-6171-RJS
CLASS ACTION

3) The NYC Funds are appointed to serve as Lead Plaintiff in the Action, pursuant to 15 U.S.C. §78u-4(a)(3)(B).

4) The law firm of Kirby McInerney LLP is hereby approved as Lead Counsel for the class. Lead Counsel shall provide general supervision of the activities of plaintiff's counsel and shall have the following responsibilities and duties to perform or delegate as appropriate:

- a) to brief and argue motions;
- b) to initiate and conduct discovery, including, without limitation, coordination of discovery with defendants' counsel, preparation of written interrogatories, requests for admissions and requests for production of documents;
- c) to direct and coordinate the examination of witnesses in depositions;
- d) to act as spokesperson at pretrial conferences;
- e) to call and chair meetings of plaintiffs' counsel as appropriate or necessary from time to time;
- f) to initiate and conduct any settlement negotiations with counsel for defendants;
- g) to provide general coordination of the activities of plaintiffs' counsel and to delegate work responsibilities to selected counsel as may be required in such a manner as to lead to the orderly and efficient prosecution of this litigation and to avoid duplication or unproductive effort;
- h) to consult with and employ experts;
- i) to receive and review periodic time reports of all attorneys on behalf of plaintiffs, to determine if the time is being spent appropriately and for the benefit of plaintiffs and to determine and distribute plaintiffs' attorneys' fees; and

j) to perform such other duties as may be expressly authorized by further order of this Court.

5) The Court requests the assistance of counsel in calling attention to the Clerk of this Court the filing or transfer of any case that might properly be consolidated as part of the Action.

6) When a case that arises out of the same subject matter as the Action is hereinafter filed in this Court or transferred from another Court, the Clerk of this Court shall:

- a) file a copy of this Order in the separate file for such action;
- b) mail a copy of this Order to the attorneys for the plaintiff(s) in the newly filed or transferred case and to any new defendant(s) in the newly filed case; and
- c) make the appropriate entry in the docket for the Action.

7) Each new case that arises out of the subject matter of the Action which is filed in this Court or transferred to this Court, shall be consolidated with the Action and this Order shall apply thereto, unless a party objects to consolidation, as provided for herein, or any provision of this Order, within ten (10) days after the date upon which a copy of this Order is served on counsel for such party, by filing an application for relief and this Court deems it appropriate to grant such application. Nothing in the foregoing shall be construed as a waiver of defendants' right to object to consolidation of any subsequently filed or transferred related action.

DATED: _____, 2008

HONORABLE RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE